

THE FRANKLIN COUNTY BOARD OF SUPERVISORS HELD THEIR REGULAR MONTHLY MEETING ON TUESDAY, APRIL 24<sup>TH</sup>, 2007 AT 6:00 P.M., IN THE BOARD OF SUPERVISORS MEETING ROOM IN THE COUNTY COURTHOUSE.

THERE WERE PRESENT:     Wayne Angell, Chairman  
                                     Charles Wagner, Vice-Chairman  
                                     Leland Mitchell  
                                     David Hurt  
                                     Charles Poindexter  
                                     Russ Johnson  
                                     Hubert Quinn

OTHERS PRESENT:         Richard E. Huff, II, County Administrator  
                                     Larry Moore, Asst. County Administrator  
                                     Christopher L. Whitlow, Asst. County Administrator  
                                     B. J. Jefferson, County Attorney  
                                     Sharon K. Tudor, CMC, Clerk

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Chairman Wayne Angell called the meeting to order.  
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**PUBLIC COMMENT:**

- Virginia Langhorne – Funding a New High School  
Ms. Langhorne asked the Board why a new, second high school been constructed. Ms. Langhorne requested the Board to consider more resource officers at the high school.

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**ADOPTION OF PROPOSED 2007-2008 COUNTY BUDGET & TAX LEVIES**

**PUBLIC NOTICE**  
**FRANKLIN COUNTY, VIRGINIA**

On *Tuesday, April 24<sup>th</sup>, 2007, at approximately 6:00 P. M.*, the Board will meet in the Franklin County Board of Supervisors Meeting Room in the Courthouse to consider the adoption of the 2007-2008 budget and to set the appropriate levies subject to local taxation. The following synopsis of the budget is provided for fiscal planning purposes only. No entry in the budget constitutes an obligation on the part of the County until such funds are appropriated by the Franklin County Board of Supervisors.

**SYNOPSIS OF THE PROPOSED BUDGET FOR FISCAL YEAR  
2007-2008**

<b><u>Expenditure Function</u></b>	<b><u>Proposed Expenditures</u></b>	<b><u>Percent of Budget</u></b>
General and Financial Administration	\$4,233,159	3.6%
Judicial System	2,250,133	1.9%
Public Safety	9,892,639	8.5%
Public Works	2,094,686	1.8%
Health and Welfare	9,728,426	8.3%
Schools	76,004,353	65.3%
Recreation and Cultural	1,492,915	1.3%
Community Development	2,812,162	2.4%
Debt Service	1,653,157	1.4%
Non-Departmental	455,300	0.4%
Capital Outlay	5,053,876	4.4%
Utilities	868,559	0.7%
<b>Sub-Total</b>	<b>116,539,365</b>	<b>100.0%</b>
Transfers Between Funds	35,555,134	
<b>Total</b>	<b>\$152,094,499</b>	

  

<b><u>Revenue Function</u></b>	<b><u>Estimated Revenues</u></b>	<b><u>Percent of Budget</u></b>
County Funds	\$49,765,881	42.7%
State Funds – County	14,897,216	12.8%
State School Funds	39,140,581	33.6%
Federal School Funds	6,714,452	5.8%
Local School Funds	2,410,153	2.1%
Capital Fund and Utilities	117,564	0.1%

Federal Revenues (County), Fund		
Balance	3,493,518	2.9%
<b>Sub-Total</b>	<u>116,539,365</u>	<u>100.0%</u>
Transfers Between Funds	35,555,134	
<b>Total</b>	<u>\$152,094,499</u>	

**(RESOLUTION #15-04-2007)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the aforementioned proposed 2007-2008 budget with an additional \$500,000 to the School Operating budget to come from the County's fund balance.

MOTION BY: David Hurt  
SECONDED BY: NO SECOND  
VOTING ON THE MOTION WAS AS FOLLOWS:  
AYES: Hurt  
NAYS: Mitchell, Poindexter, Wagner, Johnson, Quinn & Angell

THE MOTION FAILS WITH A 1-6 VOTE

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**(RESOLUTION #16-04-2007)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the 2007-2008 County proposed budget as advertised in the amount of \$152,094,499.

MOTION BY: Charles Poindexter  
SECONDED BY: Leland Mitchell  
VOTING ON THE MOTION WAS AS FOLLOWS:  
AYES: Mitchell, Poindexter, Wagner, Johnson, Quinn & Angell  
NAYS: Hurt

THE MOTION PASSED WITH A 6-1 VOTE.

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**ADOPTION OF TAX LEVIES 207-2008**

**A HEARING TO SET TAX LEVIES FOR THE FOLLOWING  
CLASSES OF PROPERTY:**

1. Setting a tax levy of \$.53/\$100 of assessed value on real estate, public service corporation property, and mobile homes; pursuant to the authority of 58.1-3200, 58.1-3201, 58.1-3202, 58.1-3203, 58.1-3204, 58.1-3205 of the Code of Virginia, as amended.
2. Setting a tax levy of \$1.67/\$100 of assessed value on personal property, pursuant to the authority of 58.1-3500, 58.1-3501, 58.1-3502, 58.1-3503, 58.1-3506 of the Code of Virginia, as amended.
3. Setting a tax levy of \$0.60/\$100 assessed value on machinery and tools based on original cost and declining depreciation over a 7-year period. By the seventh year of depreciation, the effective rate is \$0.27 per \$100 assessed value. This rate is levied pursuant to the authority of 58.1-3507(B) of the Code of Virginia, as amended.
4. Setting a tax levy of \$1.08/\$100 of assessed value on merchants' capital, pursuant to the authority of 58.1-3507, 58.1-3508, 58.1-3509, and 58.1-3510 of the Code of Virginia, as amended.
5. Interest at an annual rate of ten percent (10%) per annum shall be charged on any unpaid taxes commencing the first day of the first month following the due date of the unpaid taxes.
6. Setting the Personal Property Tax Relief percentage at 62.29%.

**(RESOLUTION #17-04-2007)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to adopt the aforementioned tax levies as advertised.

MOTION BY: Russ Johnson  
SECONDED BY: Charles Poindexter  
VOTING ON THE MOTION WAS AS FOLLOWS:  
AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

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Chairman Wayne Angell recessed the meeting for the previously advertised public hearings as follows:

**PETITION of John L. Bisnett, Sr. and Laura J. Bisnett, as Petitioners and Owners,** for a Rezone Request for ± 1.920 acres of property currently zoned A-1, Agricultural District, to B-2, Business District General, with possible proffers, for the purpose of erecting a 36 ft. by 64 ft. by 18 ft. metal building to operate a construction company with office space and a workshop area for a family based business. The future land use map of the current adopted Comprehensive Plan designates this area as Low Density Residential. The property is located on State Route 949, Lakewood Forest Road consisting of ± 1.920 acres in the Gills Creek Magisterial District of Franklin County and is identified on Franklin County Real Estate Tax Records as Tax Map # 30, Parcel # 61.2A. (Case # R 07-03-02)

Mr. John Bisnett presented his request for a rezone.

No one spoke for or against the proposed request .

**(RESOLUTION #18-04-2007)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to table until later in the evening.

MOTION BY: Russ Johnson

SECONDED BY: Charles Poindexter

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

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**PETITION of Raymond A. Peters, Jeanette Peters, W.B. Divers, Jr., and Charlotte L. Divers, as Petitioners and Owners,** for a Rezone Request for ± 1.870 acres of property currently zoned A-1, Agricultural District, to B-2, Business District General, with possible proffers, for the purpose of commercial rental space; professional/office/retail sales, with an apartment. The property is the former restaurant, Jerry's Steak House/Blue Moon. The future land use map of the current adopted Comprehensive Plan designates this area of State Route 220 a Commercial Highway Corridor. The property is located in the Blackwater Magisterial District of Franklin County and is identified on Franklin County Real Estate Tax Records as Tax Map # 55, Parcel # 122. (Case # R 07-03-03)

Clyde Perdue, Attorney, presented the request.

No one spoke for or against the proposed petition.

**(RESOLUTION #19-04-2007)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the aforementioned rezoning with proffers and that the proposed rezoning will not be of substantial detriment to adjacent property, that the character of the projected future land use of the community will not be adversely impacted, that such use will be in harmony with the purpose and intent of the zoning ordinance and with the public health, safety and general welfare, will promote good zoning practice and is in accord with Section 25-730 of the Franklin County Code and Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended. Proffers as follows:

1. The applicant shall submit a minor site plan in accordance with the Zoning Ordinance.
2. Any new parking lot lights shall be directed downward at 90 degrees and be shielded from adjacent properties and roadways.

MOTION BY: Charles Poindexter

SECONDED BY: Charles Wagner

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

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**PETITION of Westlake Medical/Dr. Diane Rowell, in care of Alouf Construction and Development Company, as Petitioners, and Westlake Corporation/Phil Floyd as Owner,** to apply for a Special Use Permit, with possible conditions, for property currently zoned B-2, Business District General, with possible conditions, for the purpose of a "private" heliport in conjunction with a medical facility. The future land use map of the current adopted Comprehensive Plan designates this area of State Route 616, Morewood Road, as a Rural Village Center Corridor and does not set forth a density range. The property is located in the Westlake Village Overlay District off State Route 616, Morewood Road, on Village Springs Drive, in the Gills Creek Magisterial District of Franklin County and is identified on Franklin County Real Estate Tax Records as a portion of Tax Map # 30, Parcel # 1.03, Lot 25. (Case # U 07-03-02)

Eric Ferguson, Attorney, presented the petition as advertised.

Tom Alouf, highlighted the lighting to be used/available when landing at nighttime. Mr. Alouf stated a minimum amount of lighting as possible would be used. Mr. Alouf stated there isn't any lighting mandates for night landing from the FAA.

**THE FOLLOWING PEOPLE SPOKE IN OPPOSITION OF THE PROPOSED PETITION:**

Doug MacKechine, reviewed with the Board a free map he received from the Visitor's Center stating free helicopter rides. He asked if the project already approved and if we were just going through a routine. Mr. MacKechine stated he was not in favor of the helipad for Dr. Diane Rowell, however, he was in favor of the Carillion helipad.

James H. Spitz, presented the following remarks:

There is no doubt that the Westlake area will continue to grow and there is a need for a helipad in that location. However, the recent action by the Planning Commission to approve two urgent care centers, each with a helipad, concerns me. As an EMS volunteer with Scruggs Rescue Squad, based on historic data, two helipads in the same general area for medical transportation are not needed. Most importantly, commercial traffic generated by the All American Aviation Company flight activities and the role that might play in transporting critical patients, based on the number of flights that company projected they might make in a month, is a major factor relating to safety and patient care.

There is a need for a traditional urgent care center (or two) for walk-ins and **one** helipad. An urgent care center is not equipped with complex life saving equipment and the medical specialists to handle serious medical and trauma patients and, therefore, the need for a helipad.

In 2006, the Scruggs Rescue Squad flew seven (7) patients via Lifeguard 10 (Carilion's Helicopter) to Roanoke Memorial. Three (3) of these were flown from the pad at the Scruggs Building. Another patient was flown from the vacant field near Wendy's (as a result of an accident near Halesford Bridge) and two were flown from the Dudley Elementary School property. All patients survived in spite of three being flown from a site other than a helipad.

In the interest of patient care, a Rescue Squad would prefer to fly patients from a location at or near the scene. For example, except for the immediate Westlake area, any critical patient located off Scruggs Road (Rt. 616) would be transported from the Scruggs helipad. The Squad would not load a patient at a distant location from Westlake and **bring** them to Westlake. *With a critical patient, time and the amount of handling is crucial. A paramedic would join the volunteer crew and help make the decision as to whether to transport by ambulance directly to either Franklin Memorial or Roanoke Carilion Hospital or, to helicopter them from a location near the scene. The Rescue Squad crews are well aware of sites suitable for a helicopter to land in their assigned district.* My point is ~ how many helipads would be needed at Westlake if the issue being addressed is strictly transportation of critical patients.

The Scruggs Rescue Squad is well equipped to address medical conditions and make life saving decisions and is available 24/7. In addition to the Scruggs volunteers, Franklin County paid paramedics are available 24/7, as well as advanced Life Support teams running calls during the week. Also, Medivac helicopters are equipped with expensive state-of-the-art EMS equipment. The pilots are highly skilled paramedics, and take command immediately. (Incidentally, it would be a mistake for anyone to think All American Aviation Company would have a properly equipped helicopter and pilot available to fly patients to a hospital.)

The proposed Carilion Urgent Care Facility together with a single helipad appears to be a good solution in that the facility would be an integral part of the Carilion system which would result in distinct advantages regarding the continuity of total patient care at the hospital the patient would be transported to. Also an important consideration is that the helipad would be further back off Rt. 122 and would not be a distraction to vehicular traffic, nor would the helipad be used for a commercial business unrelated to medical care.

The proposed All American Aviation Company helipad with a hangar (behind CVS) is clearly headquarters for a business that could very well grow extensively from the 25 flights per month that they project, to perhaps 25 sightseeing flights per week over Smith Mountain Lake! The Carilion helipad would be used for medical transport, which is the issue being addressed. Why would any company locate at Westlake (at any location for that matter) if they didn't plan to increase their profit? How does a helicopter business increase its profits? By flying more helicopters! *The impact of an unknown number of helicopter take-offs and landings over the intersection of 122 and Morewood Road (616) would be horrendous.* That, in itself, would be distracting enough to cause accidents on the ground and potentially delay medical transportation due to commercial air traffic. Helicopter traffic for anything other than transporting the critically ill or injured would be a mistake at the busy Westlake location, which in time will become busier.

It is my understanding that you will be voting on this issue at the Board of Supervisor meeting on April 24<sup>th</sup>. In the interest of patient care, safety on both the ground and in the air, and noise abatement, any consideration you and the Board members may give to these thoughts would be greatly appreciated.

Tom Smith, stated that the proposed helicopter is not medi-vac equipt, so don't be mislead.

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Nancy Adkins, I do not appose the medical facility being proposed, however, I don't want to open Westlake for commercial/private helicopter services. Ms. Adkins urged the Board to deny the petition as a package deal.

**THE FOLLOWING PEOPLE SPOKE IN SUPPORT OF THE PROPOSED PETITION:**

John Snyder, welcomes both projects, and better medical care in the Westlake area

Bill Brush, welcomes Dr. Rowell at Westlake with extended hours and urged the Board to support this request.

Phil Floyd, asked the Board to support the project before them this evening for it was a good plan.

Dr. Diane Rowell, stated she was not in the profession for the money, stated medicine is not cheap but it is worth it to save lives. She wanted to start a medical and urgent care facility.

Jim Tate stated we need urgent care in the lake area.

Laurie Chitwood, asked the Board to please consider the urgent care facility.

Jeff Chaniber, Pharmacist, asked the Board to strongly consider the urgent care facility.

Bill Palmer, stated, "don't ground the helicopters in Franklin County".

Laurie Scholtzmore, urged the Board supports for the urgent care and the heliport.

Cynthia Vain, EMS, urged the Board not to let this proposal be passed by. Please support this project.

Aaran Flarety, supported the proposed project.

Harris Ferguson, spoke in favor of this project. Mr. Ferguson stated he felt this was a good marriage fit for the area.

**(RESOLUTION #20-04-2007)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the special use permit with conditions for uses as provided in this chapter may be issued upon a finding by the Franklin County Board of Supervisors that such use will not be of substantial detriment to adjacent property, that the character of the projected future land use of the community will not be adversely impacted, that such use will be in harmony with the purpose and intent of the zoning ordinance and with the public health, safety and general welfare and in accord with the requirements of Section 25-638 of the Franklin County Code and Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended. Further the proposal encourages economic development activities that provide desirable employment and enlarges the tax base.

Conditions are as follows:

1. The Westlake Medical Center and heliport shall be developed in substantial conformity with the concept plan drawn by Philip W. Nester, Inc., and dated January 9, 2007; revised February 10, 2007.
2. Private business use of the heliport shall be limited to twenty-five (25) take-offs and twenty-five (25) landings of aircraft per month. Flight logs of non-emergency aircraft shall be provided to the Department of Planning and Community Development on a monthly basis, by the 10<sup>th</sup> of each month, to ensure compliance.

3. Lighting shall be limited to safety flood lights to be placed on the proposed hanger/office building and in-ground heliport lighting as recommended by the FAA. Building lighting shall be downward.
4. The heliport special use permit shall be valid only when used in conjunction with an existing medical building on the property. The building shall operate as an emergency and/or urgent care facility, and must occupy a minimum of 50% of the total building footprint.
5. The Applicant shall obtain all necessary approvals from the FAA and the Virginia Department of Aviation prior to site plan approval.
6. All non-emergency aircraft shall be stored in the proposed hanger facility when not in use; all associated maintenance shall be limited to inside the hanger facility.
7. A landscape buffer shall be provided to include evergreen trees, planted every ten (10) feet on center along the east property line and along the west property boundaries of the lot that are not in the flight path. Plantings must conform to plant material specifications outlined in the Zoning Ordinance, Section 25-94.
8. Any proposed fencing for the heliport facility shall not include a stainless steel or galvanized finish.
9. Any fuel tanks stored on site shall be portable and screened, and must not encumber emergency aircraft operations.

MOTION BY: Russ Johnson

SECONDED BY: Charles Wagner

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Wagner, Johnson, Quinn & Angell

NAYS: Hurt & Poindexter

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**PETITION of John L. Bisnett, Sr. and Laura J. Bisnett, as Petitioners and Owners,** for a Rezone Request for ± 1.920 acres of property currently zoned A-1, Agricultural District, to B-2, Business District General, with possible proffers, for the purpose of erecting a 36 ft. by 64 ft. by 18 ft. metal building to operate a construction company with office space and a workshop area for a family based business. The future land use map of the current adopted Comprehensive Plan designates this area as Low Density Residential. The property is located on State Route 949, Lakewood Forest Road consisting of ± 1.920 acres in the Gills Creek Magisterial District of Franklin County and is identified on Franklin County Real Estate Tax Records as Tax Map # 30, Parcel # 61.2A. (Case # R 07-03-02)

Mr. John Bisnett presented his request for a rezone.

**(RESOLUTION #21-04-2007)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the aforementioned rezoning with proffers and that the proposed rezoning will not be of substantial detriment to adjacent property, that the character of the projected future land use of the community will not be adversely impacted, that such use will be in harmony with the purpose and intent of the zoning ordinance and with the public health, safety and general welfare, will promote good zoning practice and is in accord with Section 25-730 of the Franklin County Code and Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended. Proffers are as follows:

1. The applicant will develop the property in substantial conformance with the Concept Plan/Rezoning request for J. L. Bisnett Construction prepared by J. L. Bisnett dated January 29, 2007, revised March 13, 2007.
2. Hours of operation will be 7:00 AM to 7:00 PM, Monday through Saturday.
3. Any outside storage of materials, vehicles, etc., shall be accessory and subordinate to the occupants and operations of the principal use of the property. Storage area(s) shall be enclosed by a minimum eight (8) feet high board fence and shall be located to the rear of the building to be in conformance with Ordinance Sect. 25-121.
4. The existing mobile home shall be removed prior to the issuance of any development permits.
5. The proposed building shall be constructed in substantial conformance with the elevation drawings submitted with the application.
6. Uses of the property shall be limited to the following:
  - a. Contractor office and facility.
  - b. Apartment.
  - c. Woodworking.
7. A twenty (2) foot undisturbed vegetation buffer shall be maintained along the eastern property line.
8. Apartment will only be rented to an employee of the business use and will contain no more than two (2) occupants.

MOTION BY: Russ Johnson  
 SECONDED BY: Hubert Quinn  
 VOTING ON THE MOTION WAS AS FOLLOWS:  
 AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

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**PETITION of CHS, Inc., as Petitioner and Owner, and Agent, Robert B. Manetta, Attorney for CHS, Inc.,** to apply for a Special Use Permit with possible conditions, for property currently zoned PCD, Planned Commercial District, with possible conditions, for the purpose of locating a Medical Helicopter Helipad at the Carilion's Westlake Medical Center. The future land use map of the current adopted Comprehensive Plan designates this area located in the Westlake Center Corridor as Crossroad Commercial/Rural Village Center and does not set forth a density range. The property is located in the Westlake Village Overlay District off State Route 122 on Medical Court, in the Gills Creek Magisterial District of Franklin County and is identified on Franklin County Real Estate Tax Records as a portion of Tax Map # 30, Parcel # 52.15, consisting of  $\pm$  .39 acres, a portion of  $\pm$  21.097 acres. (Case # U 07-03-03)

Robert B. Manetta, Attorney, presented the petition of CHS.

Paul Davenport, Carillion Transportation Services, presented the proposed site plan for the helipad.

Jim Spitz, SML Resident, stated he totally supports and likes the proposed plan as presented. The only question he has is what hours of operation..

Bill Brush, stated this is a good deal and amazing how the plan comes together. A good thing for this type of services for this area.

**(RESOLUTION #22-04-2007)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the special use permit with the conditions for uses as provided in this chapter may be issued upon a finding by the Franklin County Board of Supervisors that such use will not be of substantial detriment to adjacent property, that the character of the projected future land use of the community will not be adversely impacted, that such use will be in harmony with the purpose and intent of the zoning ordinance and with the public health, safety and general welfare and in accord with the requirements of Section 25-638 of the Franklin County Code and Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended. Further the proposal encourages economic development activities that provide desirable employment and enlarges the tax base. Conditions as follows:

1. The Carilion Westlake Center heliport shall be developed in substantial conformity with the concept plan drawn by Campbell and Paris Engineers, dated March 12, 2007.
2. The proposed three (3) foot high fence shall not include a stainless steel or galvanized finish.
3. A landscape screen shall be provided to include shrubs that will reach a height of three (3) feet at maturity, and located outside of the proposed three (3) foot high fence. Plantings must conform to plant material specifications outlined in the Zoning Ordinance, Section 25-94, as long as plantings do not interfere with flight operation.
4. The heliport special use permit shall be valid only when used in conjunction with an existing medical building on the property. The building shall operate as an emergency and urgent care facility, imaging center, laboratory and specialty physicians, or combination thereof, and must occupy a minimum of 50% of the total building footprint.
5. The heliport shall only be used for emergency and/or government agency use.
6. The Applicant shall obtain all necessary approvals from the FAA and the Virginia Department of Aviation prior to site plan approval.
7. All proposed heliport lighting shall be limited to safety flood lights to be placed on the heliport as recommended by the FAA.

MOTION BY: Russ Johnson  
 SECONDED BY: Charles Poindexter  
 VOTING ON THE MOTION WAS AS FOLLOWS:  
 AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

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**PETITION of Jeffrey R. Delong, as Petitioner and Owner,** for a Rezone Request for  $\pm$  1.480 acres of property currently zoned A-1, Agricultural District, to B-2, Business District General, with possible proffers, for the purpose of a Contractors Facility/Office for parking of tractor-

trailer trucks and to utilize the existing garage for maintenance of business trucks. The future land use map of the current adopted Comprehensive Plan designates this area as medium density Residential with a density of more than 20,000 square feet per unit. The property is located in the Boone Magisterial District of Franklin County and is identified on Franklin County Real Estate Tax Records as Tax Map # 26, Parcel # 174.1. (Case # R 07-03-04)

A. J. Dudley, Attorney, presented the Jeffrey Delong petition and presented a letter from Danny Houston, Owner, Hilltop Mulch, Inc. stating the property in question was constructed in 1984 and finished in 1985 with an addition added at a later date. This building was used for dispatching trucks for contract hauling and for service and repair work for large dump trucks owned by Bruce Cundiff Trucking. In 1996, Bruce Cundiff started another business venture called Hilltop Mulch which was located at 19730 Virgil H. Goode Highway. At this time, it became easier to do both businesses from this location, therefore, we only used the building in question to do service and repair work at 211 Harmony Road in Boones Mill, Virginia.

Sheldon Bower, Engineer, Design Group, stated the property does not require a VDOT approved commercial entrance. Adequate sewer facilities on site and buffering and landscaping will be placed on the site plan.

No one spoke for or against the proposed petition.

**(RESOLUTION #23-04-2007)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the aforementioned rezoning with proffers and that the proposed rezoning will not be of substantial detriment to adjacent property, that the character of the projected future land use of the community will not be adversely impacted, that such use will be in harmony with the purpose and intent of the zoning ordinance and with the public health, safety and general welfare, will promote good zoning practice and is in accord with Section 25-730 of the Franklin County Code and Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended. Proffers are as follows:

1. The Applicant will make improvements to the property within substantial conformance of the concept plan prepared by Parker Design Group, Inc., dated February 5, 2007. Within 60- days after the final order, the Applicant will submit a site plan, including erosion and sediment control that satisfies all requirements listed in the Zoning Ordinance and the Final Order. Any improvements or proffers approved shall be provided on the site plan. Before any site plan approval, the developer/owner shall obtain approval from VDH and VDOT. Site plan shall be approved prior to any proposed use.
2. The use of the property shall be limited to only a commercial parking facility with an office and garage for the repair of trucks owned and operated by property owner and associated with owner's trucking business.
3. At no point should the use of the property consist of having operating hours that is open to the general public. Normal hours of site operation shall consist of the arrival and departure of trucks as well as repairs of the property owner's trucks to be limited from 6:00 AM to 10:00 PM.
4. Any proposed parking lot lights shall be directed downward at 90 degrees and be shielded from adjacent properties.
5. Signage shall be limited to one (1), thirty-two (32) square foot monument style sign. No signage shall be placed on the building except street number no larger than one (1) square foot.
6. Landscaping buffer shall be installed along eastern and western property line to buffer residences in places where existing vegetation does not exist. This buffer shall consist of plantings as required by the zoning ordinance and should not impede current sight distance.
7. Landscaping buffer shall be installed along Harmony Road per zoning ordinance.
8. If a dumpster site is proposed on the site plan, it shall be screened on three (3) sides with a wooden gate. A screened waste and/or recycling area shall be provided per applicable state requirements. All fluids and materials shall be disposed of per State and Federal Regulations. No tires and/or parts shall be stored outside.
9. Any utilities proposed on a Site Plan shall meet current Franklin County Chapter 22 regulations.
10. Developer/Owner shall comply with current VDH regulations by performing one of the following:
  - Uncover the existing sewage facilities, i.e. septic tank, distribution box, and/or drain lines to determine adequacy of system. If necessary, owner shall repair or install additional appurtenances to gain approval from VDH; or

- Install an entirely new sewage system to comply with current VDH regulations.

MOTION BY: David Hurt

SECONDED BY: Leland Mitchell

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

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#### **AWARD OF ROTARY CUTTER, SEEDER, FERTILIZER SPREADER**

Richard E. Huff, II, County Administrator, advised the Board the old rotary cutter is going to be replaced and used as a backup to mow the slopes. In the past the Landfill has been renting a seeder to seed the slopes. We have been utilizing personally owned fertilizer spreader. At the February 20, 2007 Board of Supervisors meeting the Board approved to let the County Landfill take bids on a rotary cutter, seeder, and fertilizer spreader.

The landfill staff received three (3) written quotes for all three pieces of equipment from local dealers in Franklin County.

Franklin Welding & Equipment, Inc. ....\$17,301.00

Rocky Mount Tractor.....\$18,950.00

Anderson Tractor & Equipment, Inc.....\$19,604.00

#### **RECOMMENDATION:**

It is recommended by staff that the Board of Supervisors award the rotary cutter, seeder, and fertilizer spreader bid to Franklin Welding & Equipment Inc. for \$17,301.00. Funds are available from the Landfill Equipment # 3000-036-0004-7001 account.

#### **(RESOLUTION #24-04-2007)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve as presented.

MOTION BY: Charles Wagner

SECONDED BY: Leland Mitchell

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

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#### **WATCH FOR CHILDREN SIGN RESOLUTION**

#### **RESOLUTION** **INSTALLATION OF "WATCH FOR CHILDREN" SIGN** **CHESTNUT MEADOWS SUBDIVISION**

WHEREAS, Section 33.1-210.2 of the Code of Virginia provides for the installation and maintenance of signs by the Virginia Department of Transportation (VDOT), alerting motorists that children may be at play nearby, upon request by a local governing body; and

WHEREAS, Section 33.1-210.2 further requires that the funding for such signs be from the Secondary Road System Maintenance allocation for the County; and

WHEREAS, residents of Chestnut Meadows Road (Route # 1197) have requested that a "Watch for Children" sign be installed. Attached is a map indicating the location of Chestnut Meadows Subdivision.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Franklin County, Virginia,

does hereby request that the Virginia Department of Transportation install and maintain one "Watch for Children" sign as requested with funds from the County's secondary road system maintenance allocation.

#### **(RESOLUTION #25-04-2007)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to adopt the aforementioned resolution as presented.

MOTION BY: Leland Mitchell

SECONDED BY: Russ Johnson

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

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#### **RESCHEDULE JULY 17<sup>TH</sup>, 2007 BOARD MEETING**

Richard E. Huff, II, County Administrator, advised the Board NACO will hold their national conference in Richmond in July.

#### **(RESOLUTION #26-04-2007)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve moving of July 17<sup>th</sup> until the 24<sup>th</sup>, 2007 @ 1:30 p.m.

MOTION BY: Charles Wagner  
SECONDED BY: Russ Johnson  
VOTING ON THE MOTION WAS AS FOLLOWS:  
AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

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**CLOSED MEETING**  
**(RESOLUTION #27-04-2007)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to Request for Closed Meeting in Accordance with 2.2-3711, a-1, Personnel, and a-3, Discussion of the Acquisition or Disposition of Public Property of the Code of Virginia, as Amended.

MOTION BY: David Hurt  
SECONDED BY: Charles Wagner  
VOTING ON THE MOTION WAS AS FOLLOWS:  
AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

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MOTION: Hubert Quinn **RESOLUTION: #28-04-2007**  
SECOND: Russ Johnson MEETING DATE: April 24<sup>th</sup>, 2007

WHEREAS, the Franklin County Board of Supervisors has convened an closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act: and

WHEREAS, Section 2.2-3712(d) of the Code of Virginia requires a certification by this Franklin County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the Franklin County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Franklin County Board of Supervisors.

VOTE:  
AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn, & Angell  
NAYS: NONE  
ABSENT DURING VOTE: NONE  
ABSENT DURING MEETING: NONE

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Chairman Angell adjourned the meeting.

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W. WAYNE ANGELL  
CHAIRMAN

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RICHARD E. HUFF, II  
COUNTY ADMINISTRATOR